

Sumter City-County Board of Zoning Appeals

September 12, 2012

BOA-12-37, 575 Brushwood Dr.
(City)

The Applicant is requesting a variance from ***Article 8: Exhibit 23 Off-Street Parking Requirements for Non-Residential Land Uses*** in order to reduce the number of required parking spaces from 45 to 30. The property is located at 575 Brushwood Dr. and is represented by Tax Map # 185-00-01-122.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

September 12, 2012

BOA-12-37, 575 Brushwood Dr. (City)

I. THE REQUEST

Applicant: William D. DeLavan, III & Michael Chapman

Status of the Applicant: Contract Purchasers of Property

Request: A variance from Article 8, Exhibit 23 Off-Street Parking Requirements for Non-Residential Land uses, in order to reduce the number of required parking spaces from 45 to 30.

Location: 575 Brushwood Dr.

Present Use/Zoning: Undeveloped / PD-00-08 (Rev. 16)

Tax Map Reference: 185-00-01-122

II. BACKGROUND

The applicant is requesting a variance to reduce the number of parking spaces from 45 to 30 in order to construct a 12,000 sq. ft. indoor batting cage sports instruction facility with a 1500 sq. ft. office/pro-shop space on a 0.8 acre piece of property in the Sumter West Planned Development. As shown in the 2011 Pictometry graphic to the right, the property is currently



undeveloped in the Neighborhood Commercial portion of the Planned Development, just south of the Landmark Pointe residential subdivision along Brushwood Dr., a private street.

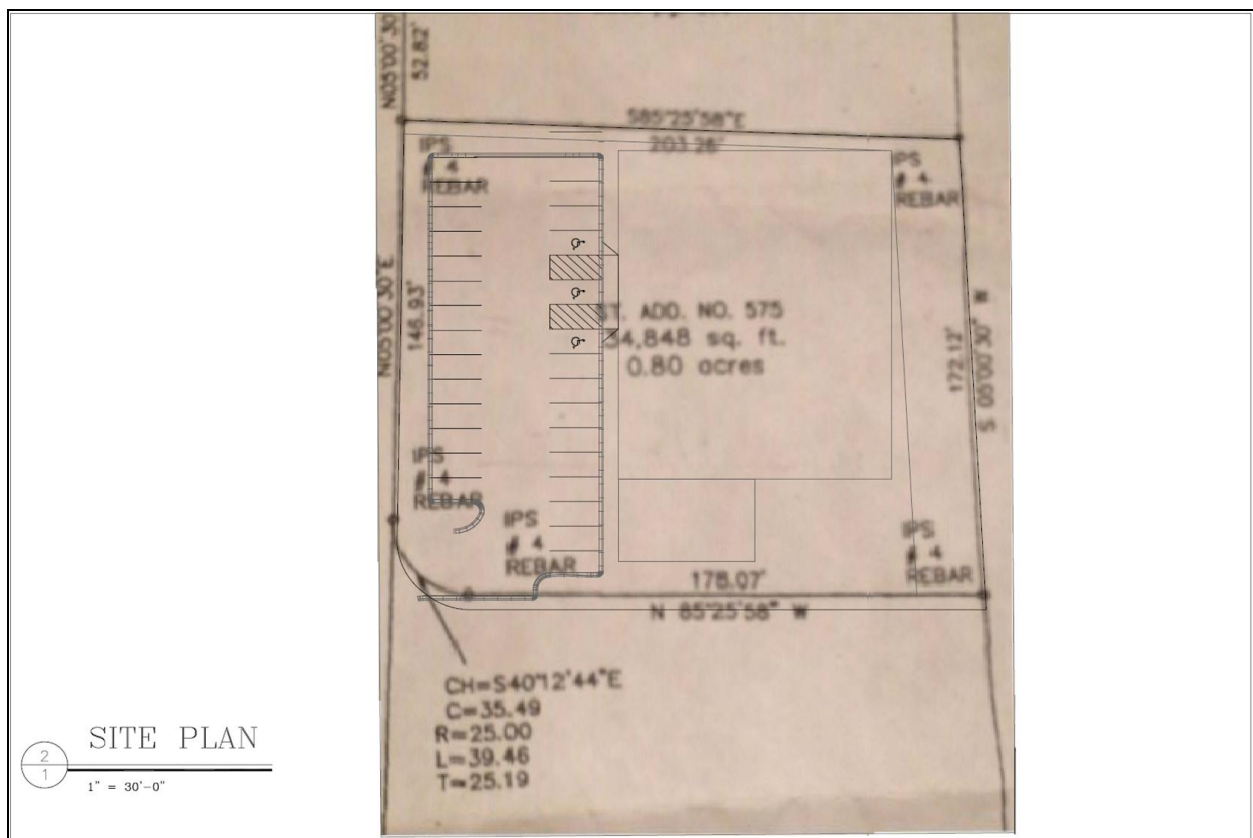
Currently, the facility has not been constructed nor has there been site plan review, however; upon review of the development standards it became apparent that given the amount of area available to develop at the proposed location, in order to construct a structure large enough to accommodate the proposed use, a variance from the parking lot requirements would be necessary

in order to utilize the site for the proposed purpose. The photograph below shows the site as it appears today.



The Zoning Administrator has classified the proposed indoor batting cage facility as a physical fitness facility with associated retail space. In accordance with Article 8, Exhibit 23, a 12,000 sq. ft. physical fitness facility with an affiliated 1500 sq. ft. retail/office space is required to have 45 paved parking spaces. The Applicants have prepared a preliminary site plan as well as submitted a floor plan and explanation of the proposed use in order to explain/justify the reason for the requested variance.

As shown in the preliminary site plan below, the parcel can accommodate the 13,500 sq. ft. building and 30 parking spaces while meeting required setback standards as well as buffer yard requirements.

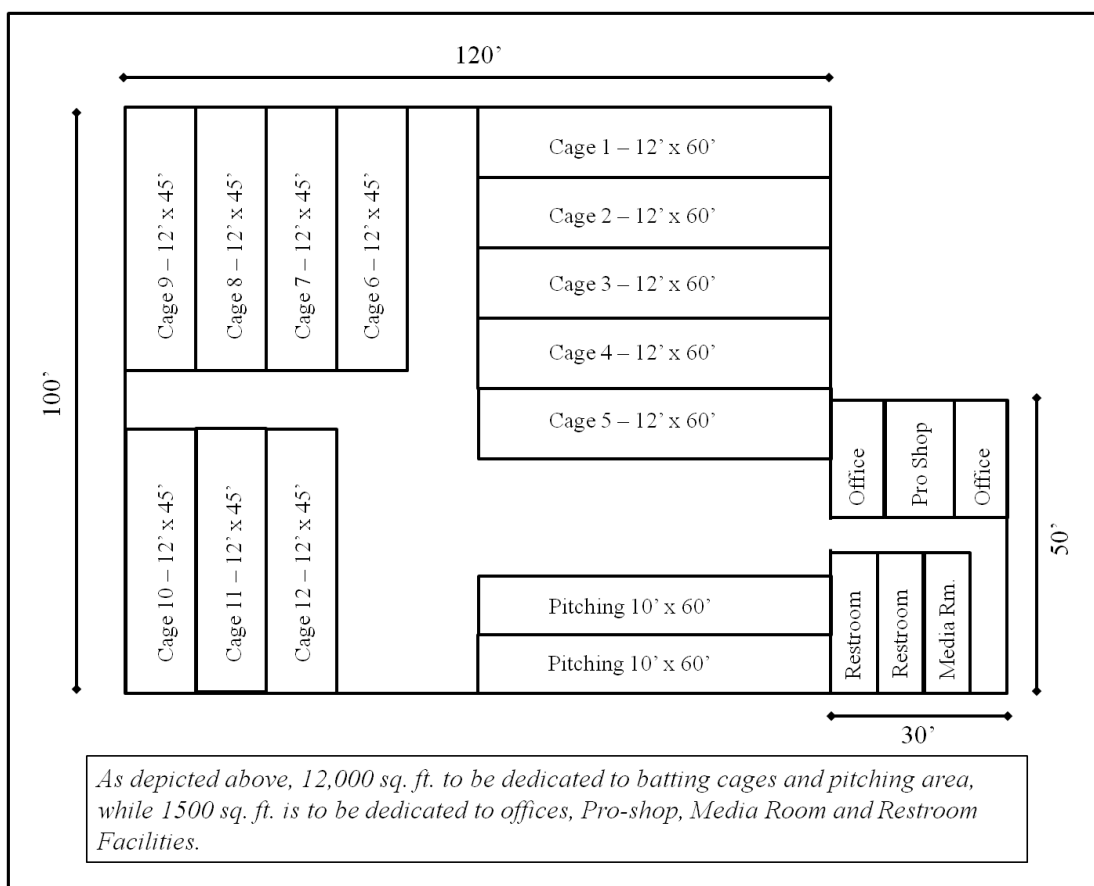


The Applicants have justified this reduction in parking through submission of a letter outlining the ‘true parking needs’ for the proposed business based on comparisons with similar businesses throughout South Carolina. In addition they have included a description of the business to be known as “The Batter’s Box Baseball/Softball Academy” as well as the organization’s Mission Statement; copies of these documents have been attached as Exhibits ‘A’, ‘B’ and ‘C’. As stated in the letter, the applicants contend that:

- *Visited 8 different facilities in South Carolina similar to the proposed facility—all existing buildings are between 8,000 sq. ft. and 15,000 sq. ft. in size with no more than 40 parking spaces provided at any of the visited facilities.*
- *The facility will predominantly be a drop-off and pick up for parents.*
- *There will be a maximum of about 26 people in the facility at any given time.*
- *There will be a constant rotation of people throughout the day.*

The submitted floor plan layout shown below would result in occupancy Break-down as follows:

- | | |
|--|-----------------------------|
| • 5 Iron Mike Cages (Maximum of 1 person per cage) = | 5 |
| • 5 Regular Cages (Maximum of 2 per cage) = | 10 |
| • 2 Batting Cages Reserved for Private Lessons (Maximum of 2 per lesson) = | 4 |
| • 1 Media Room (Maximum of 4 occupants) = | 4 |
| • 3 Employees = | 3 |
| | <hr/> |
| | TOTAL OCCUPANTS = 26 |



The City of Sumter's parking regulations are driven by gross floor area (GFA) because, in general, maximum building occupancy is a product of a per square foot per person formula based on current adopted building codes. Current limitations in the parking calculation requirements do not take into account sports and recreation uses that require a large amount of area for a 'per person' use (i.e. batting cages) where, from a practical standpoint, gross floor area calculations result in an excessive number of required parking spaces and inefficient use of land.

III. THE REQUEST

The applicant is requesting a 15 space parking variance to reduce the number of required parking spaces from 45 spaces to 30 spaces. Based on Article 8, Exhibit 23, Physical Fitness facilities are required to have one space for every 300 sq. ft. of gross floor area while retail/office space is required to have 1 parking space for every 350 sq. ft. of gross floor area.

In order to be granted a variance by the Board of Appeals, the request must meet the Four-Part Test.

IV. FOUR-PART TEST

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

While the parcel itself is uniform in shape and 0.8 acres in size, the proposed use is unique in that a large amount of floor area is required on a per person basis in order to safely construct a limited number of batting cages. When using a gross floor area calculation for uses that require a large structural area with small number of actual occupants, an excessive number of parking spaces are required.

- 2. These conditions do not generally apply to other property in the vicinity.***

The proposed use is unlike any other enclosed in-door use within the Sumter Community. Other recreation uses (i.e. parks and playgrounds) that required a large amount of area in relation to a per person use, parking requirements are based on individual review of the Zoning Administrator.

- 3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

Without a variance on the number of parking spaces, a building with enough floor area to accommodate the use cannot be constructed on the parcel and still meet all other development standards.

- 4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

This proposed development is within the Sumter West Planned Development with specific exterior design standards, height limitations, landscaping requirements, and a private review committee comprised of property owners in addition to the public review from the Planning Commission Board. Given the building configuration and internal use allocation of the structure, reduction in the number of parking spaces from 45 to 30 will not negatively impact the character of the district.

V. STAFF RECOMMENDATION

Staff recommends approval of BOA-12-37, based upon the findings of fact and conclusions of law found in Exhibit 1. It should be noted that any variance on the required number of parking spaces granted by the Board would be use specific and parking must be reevaluated should the proposed building be reused for a different purpose.

VI. DRAFT MOTIONS for BOA-12-37

- A.** I move that the Sumter Board of Appeals approve BOA-12-37 subject to the findings of fact and conclusions contained in the draft order dated September 12, 2012, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-12-37 on the following findings of fact and conclusions:

VII. ZONING BOARD OF APPEALS – SEPTEMBER 12, 2012

The Sumter City-County Zoning Board of Appeals at its meeting on September 12, 2012, voted to approve this request subject to the findings of fact and conclusions contained in the draft order dated September 12, 2012 with the following conditions:

1. The variance for the required number of parking spaces only applies to this site so long as it is being used for an indoor batting cage facility. Parking must be reevaluated if/when there is a change of occupancy on the site.
2. The applicant will place a sign on the property stating that no on-street parking is allowed.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-12-37, 575 Brushwood Dr. (City)
September 12, 2012

Date Filed: September 12, 2012

Permit Case No. BOA-12-37

The Board of Zoning Appeals held a public hearing on Wednesday, September 12, 2012 to consider the request of William D. DeLavan, III & Michael Chapman for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

While the parcel itself is uniform in shape and 0.8 acres in size, the proposed use is unique in that a large amount of floor area is required on a per person basis in order to safely construct a limited number of batting cages. When using a gross floor area calculation for uses that required a large structural area with small number of actual occupants, an excessive number of parking spaces are required.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

The proposed use is unlike any other enclosed indoor use within the Sumter Community. Other recreation uses (i.e. parks and playgrounds) that required a large amount of area in relation to a per person use, parking requirements are based on individual review of the Zoning Administrator. The Board finds that although this facility is an indoor use with a finite amount of floor area, the actual use is closer to an outdoor facility similar to park or playground thereby allowing deviation from the standard gross floor area parking calculation.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

Without a variance on the number of parking spaces, a building with enough floor area to accommodate the use cannot be constructed on the parcel and still meet all other development standards.

4. The Board concludes that authorization of the variance ☐ will – ☒ will not be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ will – ☒ will not be harmed by the granting of the variance based on the following findings of fact:

This proposed development is within the Sumter West Planned Development with specific exterior design standards, height limitations, landscaping requirements, and a private review committee comprised of property owners in addition to the public review from the Planning Commission Board. Given the building configuration and internal use allocation of the structure, reduction in the number of parking spaces from 45 to 30 will not negatively impact the character of the district.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ DENIED – ☒ GRANTED, subject to the following conditions:

1. The variance for the required number of parking spaces only applies to this site so long as it is being used for an indoor batting cage facility. Parking must be reevaluated if/when there is a change of occupancy on the site.
2. The applicant will place a sign on the property stating that no on-street parking is allowed.

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.